

MAR 11 2004
U.S. TRADEMARK OFFICE

Docket No.: 218190US2

Image

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT
P.C.

ATTORNEYS AT LAW

NORMAN F. OBLON
(703) 413-3000
NOBLON@OBLON.COM

ROBERT T. POUS
(703) 413-3000
RPOUS@OBLON.COM

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/050,536

Applicants: Yasuhiro NONOBE, et al.

Filing Date: January 18, 2002

For: ON-BOARD FUEL CELL SYSTEM AND METHOD
OF CONTROLLING THE SAME

Group Art Unit: 1745

Examiner: CHANEY, C.

SIR:

Attached hereto for filing are the following papers:

RESTRICTION RESPONSE

Our check in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Registration No. 24,618

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

I:\cf dav\elections and restrictions\218190.cvr

Robert T. Pous
Registration No. 29,099

DOCKET NO: 218190US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

YASUHIRO NONOBE, ET AL.

: EXAMINER: CHANEY, C.

SERIAL NO: 10/050,536

:

FILED: JANUARY 18, 2002

: GROUP ART UNIT: 1745

FOR: ON-BOARD FUEL CELL SYSTEM
AND METHOD OF CONTROLLING THE
SAME

:

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated February 17, 2004, Applicants herein elect species 2 corresponding to claims 7 and 8, **with traverse** for prosecution in the present application.

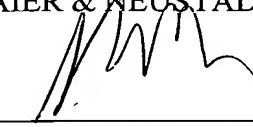
Applicants traverses the outstanding Restriction Requirement as the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

- Application No. 10/050,536
Reply to Office Action of February 17, 2004

In the present application any search of the elected species would also include the classes and subclasses appropriate for searching the other species, and so then would be no undue burden if all of the claims were examined together.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

Norman F. Oblon
Attorney of Record
Registration No. 24,618
Robert T. Pous
Attorney of Record
Registration No. 29,099

I:\CFDAV\ELECTIONSANDRESTRICTIONS\218190.RESTRICTION